

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 34721 of 2007(H)

PETITIONER:

**S.MOHINI,
JOINT BLOCK DEVELOPMENT OFFICER
(RURAL HOUSING) BLOCK DEVELOPMENT OFFICE,
NILESWAR, P.O.PUTHARIADKA, KASARGOD DIST.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE COMMISSIONER OF RURAL DEVELOPMENT,
THIRUVANANTHAPURAM.**
- 3. THE CONVENER,
DEPARTMENTAL PROMOTION COMMITTEE
(FOR THE POST OF BDO),
THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

V.GIRI, J.

W.P.(C)No.34721 of 2007

Dated this the 23rd day of November 2007

JUDGMENT

The petitioner who is working as Joint Block Development Officer (Rural Housing), aspires for promotion to the post of Block Development Officer. Apparently she was not considered by the Departmental Promotion Committee only on account of the disciplinary proceedings pending against her as evidenced by Ext.P4 memo of charges. The petitioner is aggrieved by the fact that she was not therefore included in the select list and subsequently promotions have been effected as evidenced by Ext.P6. The petitioner filed Ext.P5 written objections to the memo of charges and had subsequently filed Ext.P7 in the form of an objection to her exclusion from the select list. Pendency of the disciplinary proceedings as such should not result in the petitioner not being considered by the DPC. If she is found otherwise eligible, then her inclusion in the select list can be treated as provisional. A sealed cover procedure can be adopted in the said case. In the circumstances the petitioner's objection in this regard as evidenced by Ext.P7 shall be looked into by the first respondent and an

appropriate decision may be taken within three months from today. Depending upon the decision to be taken by the first respondent, the petitioner's name may be placed before the next Departmental Promotion Committee.

The writ petition is disposed of as above.

V.GIRI, JUDGE

CSS